

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

The Estate of Joseph P. King, by and through its
Administrator Ad Prosequendum, Amy King, and
Amy King in her own right,

Plaintiff,

**STIPULATION OF
DISMISSAL**

-against-

9:20-CV-1413

(TJM/ML)

Joseph Ward, Superintendent of Mid-State Correctional Facility (NY), in his individual capacity; John Does Corrections Officers (1-10, fictitious individuals), in their individual capacities; Jami Palladino, Mid-State Social Worker, in her individual capacity; Hal Meyers, Mid-State Chief Mental Health Counselor, in his individual capacity; Anthony J. Annucci, Acting Commissioner, State of New York Department of Corrections, in his individual capacity; and Marie T. Sullivan, Commissioner, State of New York Department of Mental Health, in her individual capacity,

Defendants.

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned, the attorneys for Plaintiff, **The Estate of Joseph P. King, by and through its Administrator Ad Prosequendum, Amy King, and Amy King in her own right**, and Defendant, **Joseph Ward, Superintendent of Mid-State Correctional Facility (NY)**, parties to the above entitled-action, that, whereas no party hereto is an infant or incompetent person for whom a committee has been appointed, and no person not a party has an interest in the subject matter of the action, the above-entitled action be and the same hereby is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) on the particular circumstances of this case, on the following terms and conditions, which it is agreed are of and shall have no legal precedential value in any other case either between the parties to this case or any other parties:

Plaintiff discontinues this action without prejudice and without damages, costs, interest or attorney's fees, and discharges and releases Defendant Joseph Ward, Superintendent of Mid-State Correctional Facility (NY), of any and all claims, demands, or causes of actions, known or unknown, now existing or hereafter arising, whether presently asserted or not, which relate in any way to the subject matter of this action, and further agrees to discontinue and/or not to commence or to pursue any litigation or claims against the defendant pertaining to the underlying facts, circumstances or incidents that gave rise to the aforementioned action, or any results of the aforementioned facts, circumstances or incidents, unless and until Plaintiff seeks, and receives, leave of Court to join Defendant Joseph Ward back to this action.

It is agreed that if Plaintiff successfully receives leave of Court to again pursue this action against Defendant Joseph Ward, the claims alleged in this action have been tolled to the date the original Complaint was filed. However, in the event that Plaintiff does receive leave to join Defendant Joseph Ward back into this action, this stipulation does not foreclose Defendant Joseph Ward from moving to dismiss said action on any other grounds.

This Stipulation of Dismissal may be signed in counterparts with signatures by facsimile or electronic mail considered as originals.

Dated: March 22, 2021
Farmington Hills, MI

Law Office of Keith Atman
Attorney for Plaintiff

By: _____


Keith Atman, Esq.
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